| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/693,606 | 10/20/2000 | Robert O. Banker | A-6285 | 8447 |

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| 5642 7590 01/26/2004 | | |

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| EXAMINER |
|---|
| VU, NGOC K |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2611 | |

DATE MAILED: 01/26/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/693,606 | BANKER ET AL. |
| | Examiner | Art Unit |
| | Ngoc K. Vu | 2611 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-24_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
    a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _4-6_.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

U.S. Patent and Trademark Office
PTOL-326 (Rev. 11-03)            Office Action Summary            Part of Paper No. 6

## DETAILED ACTION

### *Claim Objections*

1.      Claim 14 is objected to because of the following informalities: the term "beingn" in line 2,

and the term "andincluding" in line 3 are typographical errors. Please change "beingn" into "

being", and "andincluding" into "and including".  Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.      Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

Claim 4 recites the limitation "the user input" in line 1.  There is insufficient antecedent

basis for this limitation in the claim. The best understood, the limitation "the user input" is "a user

input" for purpose of examining. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

4.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

5.      Claims **1-18** and **23-24** are rejected under 35 U.S.C. 102(e) as being anticipated by

LaRocca et al. (US 6,314,572 B1).

Regarding **claim 1**, LaRocca discloses a method for providing a television menu *(500 –*

*see figure 5)* comprising:

identifying a television service currently being provided to a user *(identifying a television*

*service, e.g., SOD service 408, currently being provided to a user. For example, a user can*

*selects any one of the various services, e.g., 402, 404, 406, or 408 in a main menu 400. If the*

*user selects a service by highlighting section 408, the system provides to the user SOD service*

*408, e.g., a children's program SOD service known as "OnSet Kids" – see col. 9, lines 35-45,*

*55-58 and figure 5);* and

including a television menu option in the television menu responsive to identifying the

television service currently being provided to the user *(the system launches a new menu, e.g.,*

*500, providing further options, e.g., "Special Value Package", "Backyard Safari", "Dog City" ...*

*etc., corresponding to the user selection of SOD service 408 from the main menu 400 – see*

*col. 9, lines 37-45, 55-58 and figure 5).*

Regarding **claim 2**, LaRocca discloses that the service provided is identified by an

operating system *(for example, once SOD service 408 is selected, the terminal sends a request*

*corresponding to the selected menu option to the session manager 122. Thus, the service 408*

*is identified by the session manager 122 – see col. 9, lines 56-65; col. 10, lines 28-35).*

Regarding **claim 3**, LaRocca teaches that the service provided is identified by

information previously stored in memory *(the system processes queries to determine*

*subscription authorization corresponding to the selected SOD service. The account number of*

*the subscriber is compared to the subscription account number data previously stored in the*

*network manager database, e.g., information regarding to the subscriber's service, to determine*

*subscription service authorization  – see col. 9, line 56 to col. 10, line 21).*

Regarding **claim 4**, LaRocca teaches that a user input corresponds to a predefined input signal *(For example, the subscriber selects a SOD service 408 from a main menu 400. It is noted that an applet forming the menu 400 is transmitted to the terminal. Thus, subscriber input corresponds to a predefined input signal, e.g., an applet forming menu 400 transmitted to the terminal – see col. 8, lines 15-40 and col. 9, lines 30-37).*

Regarding **claim 5**, LaRocca discloses a programmable television services client device *(106 – figure 1)* that provides television control services *(e.g., various services 402, 404, 406 and 408 – see figure 4)*, said client device comprising:

memory for storing data *(e.g., ROM 218, RAM 220 storing data – see figure 2)*; and

a processor *(CPU 212 – see figure 2)* coupled to said memory that is configured to provide a television menu *(menu 500 – see figure 5)* containing at least one television menu option in response to user input, wherein the inclusion of said television menu option in said television menu is responsive to an identity of the television service *(e.g., SOD service 408)* currently being provided to the user *(for example, the system launches a new menu 500 providing further options, e.g., "Special Value Package", "Backyard Safari", "Dog City" ... etc., corresponding to the user selection of SOD service 408 from a main menu 400  – see col. 9, lines 37-45, 55-58, and figure 5).*

Regarding **claim 6**, LaRocca teaches that the service provided is identified by information previously stored in memory *(the system processes queries to determine subscription authorization corresponding to the selected SOD service. The account number of the subscriber is compared to the subscription account number data previously stored in the network manager database, e.g., information regarding to the subscriber's service, to determine subscription service authorization  – see col. 9, line 56 to col. 10, line 21).*

Regarding **claim 7**, LaRocca discloses that the service provided is identified by an

operating system *(for example, once SOD service 408 is selected, the terminal sends a request*

*corresponding to the selected menu option to the session manager 122. Thus, the service 408*

*is identified by the session manager 122 – see col. 9, lines 56-65; col. 10, lines 28-35).*

Regarding **claim 8**, LaRocca teaches that the user input corresponds to a predefined

input signal *(For example, the subscriber selects a SOD service 408 from a main menu 400. It is*

*noted that an applet forming the menu 400 is transmitted to the terminal. Thus, subscriber input*

*corresponds to a predefined input signal, e.g., an applet forming menu 400 transmitted to the*

*terminal – see col. 8, lines 15-40 and col. 9, lines 30-37).*

Regarding **claim 9**, LaRocca discloses a programmable television services client device

*(106 – figure 1)* that provides television control services *(e.g., various services 402, 404, 406*

*and 408 – see figure 4)*, said client device comprising:

memory for storing data *(e.g., ROM 218, RAM 220 storing data – see figure 2)*; and

a processor *(CPU 212 – see figure 2)* coupled to said memory that is configured to

provide a television menu *(menu 500 – see figure 5)* containing at least one television menu

option in response to user input, wherein the inclusion of said television menu option in said

television menu is responsive to a type of the television service *(e.g., SOD service 408)*

currently being provided to the user *(for example, the system launches a new menu 500*

*providing further options, e.g., "Special Value Package", "Backyard Safari", "Dog City" … etc.,*

*corresponding to the user selection of SOD service 408 from a main menu 400  – see col. 9,*

*lines 37-45, 55-58, and figure 5).*

Regarding **claim 10**, LaRocca discloses that the type of television service is a

purchasable media presentation *(SOD service or subscription-on-demand service provides*

*packages of programming at a pre-defined price – see col. 4, lines 30-38).*

Regarding **claim 11**, LaRocca teaches that the service provided is identified by information previously stored in memory *(the system processes queries to determine subscription authorization corresponding to the selected SOD service. The account number of the subscriber is compared to the subscription account number data previously stored in the network manager database, e.g., information regarding to the subscriber's service, to determine subscription service authorization – see col. 9, line 56 to col. 10, line 21).*

Regarding **claim 12**, LaRocca discloses that the service provided is identified by an operating system *(for example, once SOD service 408 is selected, the terminal sends a request corresponding to the selected menu option to the session manager 122. Thus, the service 408 is identified by the session manager 122 – see col. 9, lines 56-65; col. 10, lines 28-35).*

Regarding **claim 13**, LaRocca teaches that the user input corresponds to a predefined input signal *(For example, the subscriber selects a SOD service 408 from a main menu 400. It is noted that an applet forming the menu 400 is transmitted to the terminal. Thus, subscriber input corresponds to a predefined input signal, e.g., an applet forming menu 400 transmitted to the terminal – see col. 8, lines 15-40 and col. 9, lines 30-37).*

Regarding **claim 14**, LaRocca discloses a method for providing a television menu *(500 – see figure 5)* comprising:

identifying a type of a television service currently being provided to a user *(identifying a television service, e.g., SOD service 408, currently being provided to a user. For example, a user can selects any one of the various services, e.g., 402, 404, 406, or 408 in a main menu 400. If the user selects a service by highlighting section 408, the system provides to the user SOD service 408, e.g., a children's program SOD service known as "OnSet Kids" – see col. 9, lines 35-45, 55-58 and figure 5);* and

including a television menu option in the television menu in response to determining that a particular type of television service is currently being provided to the user *(the system launches a new menu, e.g., 500, providing further options, e.g., "Special Value Package", "Backyard Safari", "Dog City" ... etc., corresponding to the user selection of SOD service 408 from a main menu 400 – see col. 9, lines 37-45, 55-58 and figure 5).*

Regarding **claim 15**, LaRocca discloses that the type of television service is a purchasable media presentation *(SOD service or subscription-on-demand service provides packages of programming at a pre-defined price – see col. 4, lines 30-38).*

Regarding **claim 16**, LaRocca discloses that the service provided is identified by an operating system *(for example, once SOD service 408 is selected, the terminal sends a request corresponding to the selected menu option to the session manager 122. Thus, the service 408 is identified by the session manager 122 – see col. 9, lines 56-65; col. 10, lines 28-35).*

Regarding **claim 17**, LaRocca teaches that the service provided is identified by information previously stored in memory *(the system processes queries to determine subscription authorization corresponding to the selected SOD service. The account number of the subscriber is compared to the subscription account number data previously stored in the network manager database, e.g., information regarding to the subscriber's service, to determine subscription service authorization – see col. 9, line 56 to col. 10, line 21).*

Regarding **claim 18**, LaRocca teaches that a user input corresponds to a predefined input signal *(For example, the subscriber selects a SOD service 408 from a main menu 400. It is noted that an applet forming the menu 400 is transmitted to the terminal. Thus, subscriber input corresponds to a predefined input signal, e.g., an applet forming menu 400 transmitted to the terminal – see col. 8, lines 15-40 and col. 9, lines 30-37).*

Regarding **claim 23**, LaRocca discloses LaRocca discloses a programmable television services client device *(106 – figure 1)* that provides television control services *(e.g., various services 402, 404, 406 and 408 – see figure 4)*, said client device comprising:

means for storing data *(e.g., ROM 218, RAM 220 storing data – see figure 2)*; and

means for providing a television menu *(menu 500 – see figure 5)* containing at least one television menu option in response to user input, wherein the inclusion of said television menu option in said television menu is responsive to a type of the television service *(e.g., SOD service 408)* currently being provided to the user *(for example, the system launches a new menu 500 providing further options, e.g., "Special Value Package", "Backyard Safari", "Dog City" ... etc., corresponding to the user selection of SOD service 408 from a main menu 400 – see col. 9, lines 35-45, 55-58, and figure 5)*.

Regarding **claim 24**, LaRocca discloses that the type of television service is a purchasable media presentation *(SOD service or subscription-on-demand service provides packages of programming at a pre-defined price – see col. 4, lines 30-38)*.

6.      Claims **19-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Yuen (US 6,662,007 B2).

Regarding **claim 19**, Yuen discloses a programmable television services client device *(10 – figure 4)* that provides television control services *(e.g., purchase TV program service and shopping service – see abstract)*, said client device comprising:

memory for storing data *(205 – see figure 4)*; and

a processor *(microprocessor 204 – see figure 4)* coupled to said memory that is configured to provide a television menu *(406 – see figure 8)* containing at least one television menu option *(e.g., movie options 1 to 4 – see figure 8)* in response to user input, wherein the inclusion of said television menu option in said television menu is responsive to a type of the

television channel currently being provided to the user *(for example, if a viewer pushes button "1" on a keypad 214 of a remote control unit 24 while main menu 402 is displayed, the microprocessor 204 then displays a menu 406 containing movie options 1 to 4 in response to the viewer input, wherein the movie options in the menu 406 is responsive to a type of the television channel, e.g., pay-per-view, currently being provided to the viewer – see figures 4, 7-8; col. 13, lines 5-20 and 40-45).*

Regarding **claim 20**, Yuen discloses that the type of television channel is a pay-per-view channel *(see figures 7-8).*

Regarding **claim 21**, Yuen discloses a programmable television services client device *(10 – figure 4)* that provides television control services *(e.g., purchase TV program service and shopping service – see abstract),* said client device comprising:

means for storing data *(205 – see figure 4)*; and

means for providing a television menu *(406 – see figure 8)* containing at least one television menu option *(e.g., movie options 1 to 4 – see figure 8)* in response to user input, wherein the inclusion of said television menu option in said television menu is responsive to a type of the television channel currently being provided to the user *(for example, if a viewer pushes button "1" on a keypad 214 of a remote control unit 24 while main menu 402 is displayed, the microprocessor 204 then displays a menu 406 containing movie options 1 to 4 in response to the viewer input, wherein the movie options in the menu 406 is responsive to a type of the television channel, e.g., pay-per-view, currently being provided to the viewer – see figures 4, 7-8; col. 13, lines 5-20 and 40-45).*

Regarding **claim 22**, Yuen discloses that the type of television channel is a pay-per-view channel *(see figures 7-8).*

## Conclusion

7.      The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ellis et al. (US 6,604,240 B2) discloses a system for providing television listings information in the screens.

Lett et al. (US 5,592,551 A) discloses a method and apparatus for providing interactive electronic programming guide.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Ngoc K. Vu
Examiner
Art Unit 2611

January 20, 2004